

REMARKS

I. Introduction

With the addition of new claims 52 and 53, claims 22 to 45 and 51 to 53 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 22 to 30, 39, 43, 44, and 51 Under 35 U.S.C. § 103(a)

Claims 22 to 30, 39, 43, 44, and 51 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,198,168 ("Geusic et al."), U.S. Patent No. 6,207,903 ("Wen et al."), and U.S. Patent Application Publication No. 2003/0072130 ("Tsang et al."). It is respectfully submitted that the combination of Geusic et al., Wen et al., and Tsang et al. does not render unpatentable these claims for at least the following reasons.

As an initial matter claims 24 and 32 have been amended herein without prejudice to include inadvertently omitted periods.

While Applicants do not necessarily agree with the merits of the present rejection, to facilitate prosecution, claim 22 has been amended herein without prejudice to recite that the at least one feedthrough includes ***one of a right prism and a right oval cylinder***. Support for this amendment may be found, e.g., at page 4, lines 30 to 33 of the Substitute Specification. Claim 28 has been amended to accord with amended claim 22.

It is respectfully submitted that the combination of Geusic et al., Wen et al., and Tsang et al. does not disclose or suggest at least one feedthrough that includes ***one of a right prism and a right oval cylinder***. As such, it is respectfully submitted that the combination of Geusic et al., Wen et al., and Tsang et al. does not disclose, or even suggest, all of the features of claim 22. Thus, it is respectfully submitted that the combination of Geusic et al., Wen et al., and Tsang et al. does not render unpatentable claim 22 or any of claims 23 to 30, 39, 43, 44, and 51, which ultimately depend from claim 22.

Further regarding claims 28 and 29, Applicants respectfully disagree with the Examiner's assertion that "it would have been an obvious matter of design choice to have a particular diameter and area for the via, since such a modification would have involved a mere change in the size of a component." Office Action, page 9. In this regard, the Examiner's reliance on In re Rose, 105 U.S.P.Q. 237 (C.C.P.A.

1980), is misplaced, as that case held that “mere scaling up of a prior art process capable of being scaled up, if such were the case, would not establish patentability in a claim to an old process so scaled.” *Id.* at 148. Based on the art cited in the present rejection, there is no apparent process that could be simply scaled in order to create a right prism or a right oval cylinder with the dimensions recited in claims 28 and 29. As such, it is respectfully submitted that these ranges would not be obvious to one of ordinary skill in the art at the time of the invention. Accordingly, it is respectfully submitted that the combination of Geusic et al., Wen et al., and Tsang et al. does not render unpatentable claims 28 and 29 for this additional reason.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 33 to 36 Under 35 U.S.C. § 103(a)

Claims 33 to 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Geusic et al., Wen et al., Tsang et al., and U.S. Patent No. 5,926,377 (“Nakao et al.”). It is respectfully submitted that the combination of Geusic et al., Wen et al., Tsang et al., and Nakao et al. does not render unpatentable these claims for at least the following reasons.

Claims 33 to 36 ultimately depend from claim 22 and therefore include all of the features recited in claim 22. As more fully set forth above, the combination of Geusic et al., Wen et al., and Tsang et al. does not disclose, or even suggest, all of the features recited in claim 22. Nakao et al. is not relied upon for disclosing or suggesting the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., and Tsang et al. Indeed, Nakao et al. does not disclose, or even suggest, the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., and Tsang et al.

In view of the foregoing, it is respectfully submitted that the combination of Geusic et al., Wen et al., Tsang et al., and Nakao et al. does not render unpatentable the present claims. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 37 and 38 Under 35 U.S.C. § 103(a)

Claims 37 and 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Geusic et al., Wen et al., Tsang et al., Nakao et al., and U.S. Patent No. 5,312,765 (“Kanber”). It is respectfully submitted that the

combination of Geusic et al., Wen et al., Tsang et al., Nakao et al., and Kanber does not render unpatentable these claims for at least the following reasons.

Claims 37 and 38 ultimately depend from claim 22 and therefore include all of the features recited in claim 22. As more fully set forth above, the combination of Geusic et al., Wen et al., Tsang et al., and Nakao et al. does not disclose, or even suggest, all of the features recited in claim 22. Kanber is not relied upon for disclosing or suggesting the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., Tsang et al., and Nakao et al. Indeed, Kanber does not disclose, or even suggest, the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., Tsang et al., and Nakao et al.

In view of the foregoing, it is respectfully submitted that the combination of Geusic et al., Wen et al., Nakao et al., Tsang et al., and Kanber does not render unpatentable the present claims. Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 45 Under 35 U.S.C. § 103(a)

Claim 45 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Geusic et al., Wen et al., Tsang et al., and U.S. Patent No. 5,901,050 ("Imai"). It is respectfully submitted that the combination of Geusic et al., Wen et al., Tsang et al., and Imai does not render unpatentable claim 45 for at least the following reasons.

Claim 45 depends from claim 22 and therefore includes all of the features recited in claim 22. As more fully set forth above, the combination of Geusic et al., Wen et al. and Tsang et al. does not disclose, or even suggest, all of the features recited in claim 22. Imai is not relied upon for disclosing or suggesting the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., and Tsang et al. Indeed, Imai does not disclose, or even suggest, the features of claim 22 not disclosed or suggested by the combination of Geusic et al., Wen et al., and Tsang et al.

In view of the foregoing, it is respectfully submitted that the combination of Geusic et al., Wen et al., Tsang et al., and Imai does not render unpatentable claim 45. Accordingly, withdrawal of this rejection is respectfully requested.

VI. New Claims 52 and 53

New claims 52 and 53 have been added. It is respectfully submitted that new claims 52 and 53 add no new matter and are fully supported by the present application, including the Specification.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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